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**PAPERS FROM THE VIRGINIA STATE AUDITOR'S
OFFICE, NOW IN THE STATE LIBRARY.**

(Continued.)

TOBACCO ACT, 1713

[Following is the bill reported to the Committee, with their report on tobacco legislations printed in the last Magazine 384-388.]

That all Publick Debts payable in Tobacco Such as Quitt rents Governors Dues, Country, County, and Parish Levyes, all Secretary, Sherifs, and Clerke fees be brought by the Debtors to one or more places to be appointed in Each parish—

That one or more persons be Appointed and Commissionated by the Governor to receive in Each parish all Such Debts at Such places, and to pay away the Same to whom they shall be due.

That the Receiver of Such Tobacco Shall enter into Bond with Security and Shall also take an Oath not willingly to receive or pay away any Tobacco but what shall be Good and Merchantable. And if any Tobacco be offered to the Receiver which shall be by him refused It shall be Lawful for him to Summon Two Justices to view such Tobacco and if one of the Justices and the Receiver shall Judge the Tobacco unfit to be received they shall Cause the same Immediately to be burnt in their Sight. And if any Tobacco shall be offered by y^e Receiver in payment to Discharge any Debts payable by him which shall be refused by the person to whom it shall be so due It shall be Lawfull for such Creditor to apply himself to the next Justice who shall summon Two Freeholders and together with them shall view such Tobacco and if the Justice and one of the Freeholders shall judge the Tobacco to be unfit to be paid they shall cause the same Immediately to be burnt in their Sight.

That if the Receiver shall pay away one or more Hogsheads of Tobacco which shall be proved to be bad he shall forfeit

Double the Quantity paid away to the person to whom the bad Tobacco was paid—And if the Receiver shall be found Guilty of Offering Tobacco in payment a Second time which shall be ordered to be Burnt or of having paid away a Second time one Hogshead of bad Tobacco he shall be turned out of his place of Receiver and be incapable of holding any place of profit for Three Years—

That all Hogsheads of Tobacco paid away by the Receiver shall be marked with the County and Parish Mark—

That all Publick Creditors shall put an Account of their Debts into the hands of the Receiver before the Last day of November Yearly (Otherwise he shall not be accountable for them that year) and the Receiver shall give notice to each Debtor of what he demands from them before the last Day of December and that each Debtor shall bring what Tobacco he is to pay to the place appointed for Receiving before the Last day of February—

That if any Debtor after such Notice Given shall neglect or refuse to bring his Tobacco to the place of Receiving before the last day of February It shall be Lawfull for the Receiver to make Distress for y^e Same at the charge of the Debtor— That the Receiver shall allow to Each Debtor by way of Discount all the Creditt he hath in the Publick Levy—

That the Receiver shall pay at the place of Receiving all the Publick Debts by him Received to the Respective persons to whom the same shall be due before the Last day of March or in failure therein shall forfeit Three times the Summe of Tobacco due to be recovered by due Course of Law—

That if a creditor to whom one or more Hogsheads of Tobacco is owing Shall for Ten days after the Last day of March Neglect to receive it the Receiver may then weigh the Tobacco and mark the Hogshead which from that time shall Lie at the Risque of the creditor who shall pay Storage for the same According to Law And if the Tobacco due to the Creditor be of Less Quantity than will make a Hogshead it shall be Weighed and sett apart and lye at the risque of the Creditor who shall pay the Storage for the first Three Months and one penny for every Month after—

That the Debtor shall be allowed by way of Discount by the Receiver five pounds out of every £110 of Tobacco for all Tobacco by the Debtor to be brought for Country County and Parish Levys and five pounds out of every £100 of Tobacco to be brought for Quitt rent Governor Dues Secretaries Sheriffs and Clerks Fees—

That the Receiver be allowed £5 out of every £105 of Tobacco brought to him for Country County and Parish Levys and £5 for every £95 of Tobacco brought to him for Quitt rents Governors dues Secretaries Sheriffs and Clerks Fees for his Sallary for receiving the same—

That the Receiver be allowed £5 for every £105 of Tobacco by him to be paid away for Country County and Parish Levys and £5 for every £95 of Tobacco by him to be paid away for Quitt rents and Governor dues And £15 for every £90 of Tobacco by him to be paid away for Secretary's Sheriffs and Clerks Fees for his Sallary for takeing care of and paying away the said Tobacco—

That the Receiver shall not be obliged to put more than £750 of Tobacco nor shall put Less than £550 of Tobacco in a Hogshead and that he be allowed Thirty pounds of Tobacco or three Shillings of Current Money for every Cask paid away by him at the Choice of the Buyer And that the Receiver allow for every cask paid to him Thirty pounds of Tobacco or Three Shillings of Current Money at his choice—

That the Receiver shall at his proper charge Build or provide himself houses Convenient for Storage for all Tobacco to be received by him in Such places as Shall be appointed and upon the Deathe of such Receiver or Removal from his Office such Buildings shall be viewed and valued and the person Succeeding in Such Office shall pay for the same According to such Valuation and that the Receiver be allowed for Cooperage for every Hogshead paid away by him on the Accounts above mentioned One Shilling Current Money or £10 of Tobacco to be paid by the person takeing the Same away—

That if any person who Shall buy Tobacco shall before he buy the same agree with the seller in writing that the Tobacco shall be carryed to the Storehouse of some Publick Receiver

that then the Seller shall be obliged to carry the same thither and shall be allowed five pounds of Tobacco for every hundred pounds of Tobacco he shall carry which he may Discount with the buyer and there shall then be paid to the Receiver five Shillings Current Money for every Hogshead or £10 for every Hundred pounds of Tobacco so carried for his sallary for receiving takeing care of and paying away such Tobacco by the person who shall carry the same away—

That if any Tobacco whatsoever which shall be offered in payment shall be refused and the person refusing the same shall desire to have it received that the Publick Receiver of the Parish when the payment is offered and Two Justices be ordered to view the same And if any two of them shall Judge the Tobacco to be bad they shall cause it immediately to be burnt in their sight—

That no person whatever shall receive Tobacco for any other person before he hath taken an oathe before a Justice and obtained a Certificate thereof that he will Carefully and honestly according to the best of his Skill view and Examine all Tobacco which he shall receive and that if any Tobacco which shall be offered to him to receive shall be by him refused he shall give Notice thereof to the next Justice who with one other Justice and the Next Publick Receiver shall view the Tobacco and if two of them shall Judge the Tobacco to be bad it shall immediately be burnt in their sight—

Upon which Proposals It is the Opinion of this Com^{tee} that a Bill be prepared and brought in and that the sd Act Intituled an Act concerning the collection of the publick and County Levy & for the better payment of the same to the respective Creditors therein concerned be repealed and that so much of the sd Act Intituled an Act for the better support and maintenance of the Clergy and of the sd Act Intituled an Act for improveing the Staple of Tobacco & for Regulating the size and Tare of Tobacco hogsheads as relates to any matter or thing in the said Proposals sett forth and contained be also repealed

J. E. Clayton Clerk of Coun^{tee}.

VIRGA—MILES CARY RECEIVER OF THE VIRGA DUTIES FOR YORK RIVER DISTRICT his account of her Maj'ty's Revenues of two Shill per hhd Port Duties and head Money Arising in the sd. River from the twenty fourth day of May, 1704 to the Sixteenth day of April 1705.

Time of Clearing.	Ships Name & wt. place.	Masters Names.	Tun- age.	Tobacco hhd's.	Chests Bar'll	P'ngr.	Whither Bound
May the 25th, 1704.	Success of Whitehaven.....	Christopr. Grayson	50	147	8	---	White Haven
Say'd without clearing	Tyger of Bristol.....	John Hart.....	200	513	12	---	Bristol
May the 25th, 1704.	Royal of North Carolina.....	Cornelius Jones.....	4	---	---	---	North Carolina.
June the 20th, 1704.	Mary of North Carolina.....	Gilbert Raynolds.....	14	---	---	---	North Carolina.
June the 23th, 1704.	Ann & Elizabeth of Barbadoes.....	William Pead.....	20	---	---	9	James River.
July the 3th, 1704.	Swallow of Boston.....	Tymothy Burbank.....	25	---	---	---	Boston New England.
July the 3th, 1704.	Samuel of North Carolina.....	Samuel Slade.....	3	---	---	---	North Carolina.
July the 7th, 1704.	Expedicon of Dublyn.....	John Newthal.....	90	2	---	---	Maryland.
July the 10th, 1704.	Director of Maryland.....	James Bulman.....	20	---	---	160	South Carolina.
August the 3th, 1704.	Royal of North Carolina.....	Cornelius Jones.....	4	---	---	---	North Carolina.
August the 15th, 1704.	Ann Gally of London.....	Niel'o Galibrand.....	95	---	---	81	James River.
August the 29th, 1704.	Margaret of Maryland.....	John Dobson.....	10	---	---	---	Maryland.
August the 29th, 1704.	Loyal York of So. Carolina.....	Nich'o. Stephen.....	25	---	---	---	South Carolina.
Septemb'r the 18th 1704.	Sea Horse of Jamaica.....	Robert Smith.....	20	---	---	3	Exuma.
Septemb'r the 18th, 1704.	Mernayd of London.....	James Ffrench.....	80	---	---	229	Maderia.
Septemb'r the 18th, 1704.	James of New York.....	James Beard.....	10	---	---	---	New York.
Octob'r the 24th, 1704.	William of London.....	Mich'a. Haddon.....	70	---	---	110	Maderia.
Octob'r the 24th, 1704.	Postilion of London.....	John Torer.....	50	---	---	76	Newfound Land.
Octob'r the 25th, 1704.	Mary of Maryland.....	Henry Harris.....	14	---	---	---	Maryland.
Octob'r the 25th, 1704.	Jane and Betty of Maryland	John Langford.....	8	---	---	---	Maryland.
Octob'r the 25th, 1704.	Eagle Gally of London.....	William Suelgrave.....	150	---	---	229	Rappo'k. River.
February the 28th 1704.	Pfortune of Phil.....	William Allyn.....	25	---	---	2	Phyl.
April the 5th 1705.	Industry of Phil.....	Edward Thompson.....	8	---	---	---	Philadelphia.
April the 16th, 1705.			995	662	20	889	

MILES CARY RECEIVER,
VIRGA. DUTIES.

Mem'd. I am to account for 9 hhd's. of Tob'o. which I pray I may do rather than draw the acc't de Novo.

(File "Mostly before 1776.")

M. C.

1701 An Accompt of Severall Charges for which—		D ^r .		
Stands		£	s	p
To Severall Charges and Expenses relateing to				
y ^o Pyrates.....	17—00—00			
To James Darbyshire for handcuffes or Manacles				
for y ^o Pyrates as by Acct.....	10—00—00			
To Paid for taking of three Pyrates who Escaped.....	60—00—00			
To Geo. Norzworthy Gent.....	03—00—00			
To Geo. Wafts Claimes.....	04—15—00			
To Capt. Moore's Claim 250 lbs Tob 'o.....				
To 2 years & ½ Rent for the Council Chamber.....	20—00—00			
To other disbursem'ts and Expend'tre for the				
Same.....	21—03—03			
To paid Mr. John Walker of King & Queen.....	10—00—00			
250 lbs Tob 'o and	140—08—03			
1699 The Publick is D ^r Ect.				
To the Indian Interpretors 2 lodgings.....	00—01—00			
To 13 Indians Each a diet.....	00—09—09			
July 1 st 1700 To the Kiquotan post 4 lodgings.....	00—02—00			
Aug. 4 th To 4 lodgings.....	00—02—06			
Sept. 4 th To 4 men from potomack f ^r expenses.....	02—05—4½			
To 2 Muttons by the Presidents order.....	01—04—0			
	04—04—1½			

Errors Excepted by nee Tho. Wells
File "Mostly before 1776"

ORDERS AND INSTRUCTIONS FOR JOSEPH BANNISTER COM-
MANDING THE SPY BOAT JENNY & MARY 1711.

You are during your continuance in this Service to Sail
every morning wind and weather permitting to ye Capes for
discovering if approache of any of the Enemy ships of War

and at night to return constantly to point Comfort and there came to an anchor within the Battery—

You are to take under your charge all the tools & materials employed about raising y^e battery at point—Comfort, and for that purpose to appoint one man out of y^e Crew under y^e com^d to keep guard by night at y^e end of y^e s^d Battery and to care that y^e s^d Guard be constantly relieved evry hour—

In case you Discern any of the Enemy's Ships of war standing towards this coast you are with all speed to informe Mr. Geo. Walker y^t of, and if you find y^e Enemy so near that they may be like to get up y^e River before you can communicate y^e alarm you are to hoist an Ensign or Jack at y^e Top-mast-head as soon as you think it can be perceived from y^e Shore and keep firing minates untill you observe y^e Country has taken the alarm—

If the Enemy come within y^e Capes you are with y^e men under y^r Command to repair to y^e Battery at point Comfort and there to get y^e great guns in a readiness for y^e defense of the River untill you receive a Reinforcemen^t of the militia & then you are to continue to assist in plying the Great-Guns & to receive orders from y^e Chief militia officer there present—

And for y^e better guidance in this Service you are to follow such orders as you shall receive from Coll. Walker or Mr. Nicholas Curle

File "Mostly before 1776"

ALEX^r SPOTSWOOD HIS MAJ[']TYS LIEUT. GOVERNOR & COM^{der}
IN CHEIF OF THE COLONY & DOMINION OF VIRGINIA &
RECTOR OF THE COLLEGE OF WILLIAM AND MARY
TO NICHOLAS CURLE, GENT. GREETING—

Whereas the Commissioners of her Maj[']tys Customs on consideration of the frauds and abuses frequently committed in the Collection and payment of the duty of a penny per pound on tobacco Exported out of this Colony to her Maj[']tys plantations have thought fitt to permitt the Governors of the College of William and Mary to whom y^e s^d duty is granted

by Charter to nominate and appoint Comptrollers for the better managing & receiving the s^d duty—I do therefore in pursuance of the said Permission hereby nominate & appoint you to be Comptroller of the said duty within the Lower District of James River And you are accordingly hereby empowered and authorized for and in behalf of y^e s^d College to provide a Chest or Cask with two locks and Keys one of w^{ch} to be kept by you & the other by the Collector of the said District and to take care that all the money arising by the said duty be duly put and lodged therein from time to time and in case any part of the said duty be paid in Tobacco you are in like manner to take care that y^e same be lodged in a proper store house under y^e same security of locks and Keys until you can dispose thereof for y^e benefitt of y^e s^d College And you are at y^e end of each quarter to return to me or the Rector of this College for the time being an exact acct of all the Cash or tobacco in your charge arising by the s^d Duty and for the further preventing of any fraudulent practices in the s^d collector I do strictly charge & require that no permitt be granted for lading Tobacco for the plantation—

And for y^r due acting all & Singular the premisses this shalbe y^r warrant—Given under my hand & Seal this 30th day of August 1711 and y^e 10th year of her Majsty Reign—

I do further direct that at y^e same time you transmitt y^r quarterly losses to y^e Com's of y^e Customs you also transmitt to them an acct. of the penny per pound according to the scheme used by the collector—File “mostly before 1776”

THE BATTERY AT POINT COMFORT, 1711

To Mr. Clark

For the better carrying on & perfecting the Battery and other worke at Point Comfort I do hereby authorize & impower Major Wm Armstead Mr. Nicholas Curle Capt. Francis Ballard Capt Jno. Moor & Mr. Geo. Walker jointly & Severally to inspect order and command the pioniers and workmen

employed in y^e s^d service and to give such directions for the more speedy finishing y^e same as they shall find convenient—

Thereby requiring all y^e s^d workmen to obey and follow the orders they shall receive from them or either of them, as they will answer the contrary at their perill—

Given under my hand this 30th day of August 17'1—File
“mostly before 1776”

(To be Continued)